

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 22, “Controlling Pollution,” and Chapter 28, “Ambient Air Quality Standards,” Iowa Administrative Code.

The purpose of the proposed amendments is for the Commission and the Department of Natural Resources (Department) to revise the administrative rules as necessary to allow for implementation of new and revised air quality standards, also known as National Ambient Air Quality Standards or NAAQS. In consultation with stakeholders, the Commission and the Department are seeking to make the changes necessary to maintain air quality and protect the public health, while minimizing the regulatory impact to the extent possible.

Summary of Rule Changes

As part of the Department’s implementation of the new federally mandated NAAQS for fine particulate matter (PM_{2.5}), lead, and sulfur dioxide (SO₂), the Commission is proposing to revise a subset of the air construction permit exemptions and Title V “insignificant activities” specified in Chapter 22 to set appropriate emissions thresholds and operating conditions to sufficiently protect public health. The Commission is also proposing to revise the spray booth “permit by rule” specified in Chapter 22 to sufficiently protect public health by adding content limits for lead-containing spray materials. Additionally, the Commission is proposing to revise Chapter 28 to adopt by reference the new NAAQS for SO₂ and to remove the use of PM₁₀ (particulate matter with a diameter of 10 microns or less) as a surrogate for the annual standard of the PM_{2.5} NAAQS.

During the period from 2006 through 2010, the U.S. Environmental Protection Agency (EPA) revised the NAAQS for PM_{2.5}, lead, and SO₂. In each instance, EPA strengthened the NAAQS for these pollutants based on reviews of the latest public health information and scientific data. The Commission already adopted the new lead NAAQS in a previous rule making (see **ARC 8215B**, IAB 10/7/09). Also in previous rule makings, the Commission adopted changes to the Prevention of Significant Deterioration (PSD) program and to stack test methods necessary to implement the new PM_{2.5} NAAQS (see **ARC 0260C**, IAB 8/8/12, and **ARC 0330C**, IAB 9/9/12, respectively).

The amendments proposed in this rule making will set appropriate thresholds for new or modified equipment emitting lower levels of PM_{2.5} or lead to be exempt from construction permitting. Additionally, these amendments will update emissions thresholds for PM_{2.5} and lead for Title V insignificant activities (facilities are not required to pay Title V fees for insignificant activities). The proposed amendments impact any owner or operator of a facility with new or modified equipment emitting PM_{2.5} or lead if that owner or operator wishes to use the exemptions or insignificant activities provisions.

PM_{2.5} NAAQS

EPA first created an air quality standard in 1997 for PM_{2.5} in order to protect the public from the adverse impacts of PM_{2.5} on human health. EPA strengthened the 24-hour averaged PM_{2.5} standard in 2006 based on reviews of the latest public health information and scientific data, reducing the acceptable level of PM_{2.5} that humans can be exposed to from 65 micrograms per cubic meter of air (µg/m³) to 35 µg/m³ of air.

In an effort to better address a wide range of concerns and issues about PM_{2.5}, the Department formed a workgroup in 2010 for stakeholders to provide input and explore approaches for implementing

the PM_{2.5} NAAQS in Iowa. The Department has traditionally requested stakeholder input when implementing a new standard. This approach was formalized in 2010 with the enactment of Iowa Code section 455B.134(14).

The workgroup consisted of approximately 120 members, with representative stakeholder participation from industry and business, trade groups and associations, environmental groups, and local and state agencies. Many of the proposed amendments included in this rule making related to PM_{2.5} are based on recommendations of the workgroup.

The Department's final report to the Governor and General Assembly, "Implementing the PM_{2.5} Ambient Air Quality Standard in the State of Iowa," is available at http://www.iowadnr.gov/portals/idnr/uploads/air/insidednr/stakeholder/pm25/pm25_implementation_report.pdf?amp;tabid=1567.

Lead NAAQS

On October 15, 2008, EPA finalized new NAAQS for lead. The level of the standard was revised from 1.5 µg/m³ of air to 0.15 µg/m³ of air. The Department has determined that some of the exemptions from construction permitting specified in administrative rules are not sufficiently protective of the lead NAAQS. To provide regulatory flexibility, the Department seeks, to the extent possible, to retain the availability of the construction permit exemptions. The proposed amendments to the exemptions from construction permitting will provide the opportunity for owners and operators of lower-emitting lead sources to be exempt from the requirement to apply for construction permits.

SO₂ NAAQS

On June 3, 2010, EPA finalized revisions to the primary SO₂ NAAQS to strengthen the standard to adequately protect public health. Specifically, EPA established a new 1-hour SO₂ NAAQS at a level of 75 parts per billion (ppb). EPA also revoked both the existing 24-hour and annual primary SO₂ NAAQS.

As required by Iowa Code section 455B.134(14), the Department solicited input from stakeholders at its quarterly air quality client contact meetings and issued a report to the Governor and the General Assembly. The Department discussed the new SO₂ NAAQS and possible rule changes with stakeholders at its air quality client contact meetings in February, May, and September 2012. The Department's final report to the Governor and General Assembly, "Review of Emission Limitations and Standards for the Revised NO₂ and SO₂ National Ambient Air Quality Standards," is available from the Department upon request.

To provide regulatory flexibility, the Department seeks, to the extent possible, to retain the availability of the construction permit exemptions for low-emitting sources of SO₂.

In this rule making, the Commission is proposing the following amendments:

Item 1 amends subrule 22.1(2) to modify the requirements for several of the specific exemptions from the requirement to obtain an air construction permit. The amendment adds emission thresholds for PM_{2.5} to existing exemptions and adds operating limits to other exemptions that will limit PM_{2.5} emissions from those activities to sufficiently protect public health. The amendment also revises emission thresholds and operating limits for lead to sufficiently protect public health. The amendment will allow owners and operators of activities with low emissions to continue to be exempt from the requirement to obtain an air construction permit.

The amendment will revise the construction permit exemptions (set out in lettered paragraphs in subrule 22.1(2)) as they apply to new or modified equipment, operations, or facilities as follows:

- Fuel-burning equipment for indirect heating or cooling (paragraph "b"): Removes coal as an allowed fuel, adds operating limits for used oil and for vegetative matter ("biomass," such as seeds and pellets). (The PM_{2.5} Stakeholder Workgroup recommended removing coal from this exemption.)
- Incinerators and pyrolysis cleaning furnaces (paragraph "e"): Removes incinerators from the exemption, changes the description of "pyrolysis units" to "paint clean-off ovens," and limits the exemption to combustible materials that do not contain lead.
- One pound per hour exemption (paragraph "i"): Discontinues use of this exemption for new or modified equipment. (The PM_{2.5} Stakeholder Workgroup made this recommendation.)
- Small unit exemption (paragraph "w"): Adds allowable emission rates for PM_{2.5} and lowers the allowable emission rates for lead. (The PM_{2.5} Stakeholder Workgroup provided this recommendation.)

- Production welding (paragraph “ff”): Revises quantity limits on electrodes to limit emissions of PM_{2.5} and lead. (The PM2.5 Stakeholder Workgroup developed the new formula.)
- Soldering (paragraph “gg”): Adds operating limits for lead-containing solder.
- Research and development (paragraph “kk”): Revises the allowable actual emission levels for PM_{2.5} and lead to correspond to the levels proposed for the small unit exemption (paragraph “w”). (The PM2.5 Stakeholder Workgroup recommended the emission limits for PM_{2.5}.)

The changes to subrule 22.1(2) in Item 1 will apply only to new facilities and new or modified emission units constructed, installed or modified after the effective date of the adopted amendment. The changes will not apply retroactively to existing equipment.

If the changes proposed in Item 1 are not adopted, smaller facilities (minor sources) would not be sufficiently restricted from using the construction permit exemptions and would potentially consume air resources. Consumption of air resources could potentially limit larger industrial facilities from making desired changes.

Item 2 amends rule 567—22.8(455B), which specifies the requirements for the permit by rule for spray booths. The amendment adds maximum lead content limits for lead-containing sprayed materials. The proposed changes apply to new facilities or new uses of lead spray materials for operations constructed or installed after the effective date of the adopted amendment.

Item 3 amends subrule 22.103(2) to modify the requirements for insignificant activities for the Title V operating permit. The proposed changes to insignificant activities correspond to the changes proposed for the construction permit exemptions described in Item 1. Although owners and operators are required to include insignificant activities in the Title V application, activities that meet the conditions in subrule 22.103(2) do not need to be included in the Title V facility’s annual emissions inventory and are not assessed any Title V fees. The proposed changes will affect Title V permit applications, modifications and renewals after the effective date of the adopted amendment.

Item 4 amends rule 567—28.1(455B) to adopt by reference the revised NAAQS for SO₂ and to remove the use of PM₁₀ as a surrogate for the annual PM_{2.5} NAAQS. The Department adopted the revised NAAQS for lead in a previous rule making.

Jobs Impact Statement

After analysis and review of this rule making, the Department has determined that jobs could be impacted. However, these proposed amendments are implementing federally mandated regulations. This rule making does not impose on Iowa businesses any regulations not required by federal law.

The Department is minimizing the impact of the federal regulations to the greatest extent possible by establishing exemption levels for PM_{2.5} and lead. Further, existing equipment emitting PM_{2.5} or lead that is in place on or before the effective date of the adopted amendments will be unaffected by these amendments. Only new or modified equipment put in place after the effective date of these amendments will be affected.

In consultations with stakeholders in the PM2.5 Stakeholder Workgroup, air quality client contact meetings and many other forums, the Department identified equipment and activities emitting low levels of PM_{2.5} or lead that could be exempt from the requirement to obtain an air construction permit. Additionally, the Department identified insignificant activities emitting low levels of PM_{2.5} or lead that could be excluded from annual Title V fee calculations.

To qualify for an exemption or insignificant activity status, owners and operators of low-emitting equipment may need to perform calculations or keep additional records, which may require additional expenditures or resources. However, the Department expects that any potential cost impact or jobs impact will be less than the impacts associated with preparing a construction permit application or Title V permit application or with paying annual Title V fees.

Any person may make written suggestions or comments on the proposed amendments on or before July 15, 2013. Written comments should be sent to Christine Paulson, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324; faxed to (515)242-5094; or sent by e-mail to christine.paulson@dnr.iowa.gov.

A public hearing will be held on Monday, July 15, 2013, at 1 p.m. in the conference rooms at the Department's Air Quality Bureau office located at 7900 Hickman Road, Windsor Heights, Iowa. The Department must receive all comments no later than 4:30 p.m. on July 15, 2013.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact Christine Paulson at (515)242-5154, or by e-mail at christine.paulson@dnr.iowa.gov to advise of any specific needs.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend subrule 22.1(2) as follows:

22.1(2) Exemptions. The requirement to obtain a permit in 567—subrule 22.1(1) is not required for the equipment, control equipment, and processes listed in this subrule. The permitting exemptions in this subrule do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Equipment, control equipment, or processes subject to rule 567—22.4(455B) and 567—Chapter 33, prevention of significant deterioration requirements, or rule 567—22.5(455B), special requirements for nonattainment areas, may not use the exemptions from construction permitting listed in this subrule. Equipment, control equipment, or processes subject to 567—subrule 23.1(2), new source performance standards (40 CFR Part 60 NSPS); 567—subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAP); 567—subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR Part 63 NESHAP); or 567—subrule 23.1(5), emission guidelines, may still use the exemptions from construction permitting listed in this subrule provided that a permit is not needed to create federally enforceable limits that restrict potential to emit. If equipment is permitted under the provisions of rule 567—22.8(455B), then no other exemptions shall apply to that equipment.

Records shall be kept at the facility for exemptions that have been claimed under the following paragraphs: 22.1(2)“a” (for equipment > 1 million Btu per hour input), 22.1(2)“b,” 22.1(2)“e,” 22.1(2)“r” or 22.1(2)“s.” The records shall contain the following information: the specific exemption claimed and a description of the associated equipment. These records shall be made available to the department upon request.

The following paragraphs are applicable to paragraphs 22.1(2)“g” and “i.” A facility claiming to be exempt under the provisions of paragraph 22.1(2)“g” or “i” shall provide to the department the information listed below. If the exemption is claimed for a source not yet constructed or modified, the information shall be provided to the department at least 30 days in advance of the beginning of construction on the project. If the exemption is claimed for a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the information listed below shall be provided to the department within 60 days of March 20, 1996. After that date, if the exemption is claimed by a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the source shall not operate until the information listed below is provided to the department:

- A detailed emissions estimate of the actual and potential emissions, specifically noting increases or decreases, for the project for all regulated pollutants (as defined in rule 567—22.100(455B)), accompanied by documentation of the basis for the emissions estimate;
- A detailed description of each change being made;
- The name and location of the facility;
- The height of the emission point or stack and the height of the highest building within 50 feet;
- The date for beginning actual construction and the date that operation will begin after the changes are made;
- A statement that the provisions of rules 567—22.4(455B) and 567—22.5(455B) and 567—Chapter 33 do not apply; and
- A statement that the accumulated emissions increases associated with each change under paragraph 22.1(2)“i,” when totaled with other net emissions increases at the facility contemporaneous with the proposed change (occurring within five years before construction on the particular change

commences), have not exceeded significant levels, as defined in 40 CFR 52.21(b)(23) as amended through ~~March 12, 1996~~, October 20, 2010, and adopted in rule 567—22.4(455B), and will not prevent the attainment or maintenance of the ambient air quality standards specified in 567—Chapter 28. This statement shall be accompanied by documentation for the basis of these statements.

The written statement shall contain certification by a responsible official as defined in rule 567—22.100(455B) of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

a. No change.

b. Fuel-burning equipment for indirect heating or cooling with a capacity of less than 1 million Btu per hour input per combustion unit when burning ~~coal~~, untreated wood, untreated seeds or pellets, other untreated vegetative materials, or fuel oil provided that the unit and the fuel meet the conditions specified in this paragraph. Used oils meeting the specification from 40 CFR 279.11 as amended through May 3, 1993, are acceptable fuels for this exemption. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3,600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels. Records shall be maintained on site by the owner or operator for at least two calendar years to demonstrate that fuel usage is less than the exemption thresholds. Owners and operators of units constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment] burning coal, used oils, untreated wood, untreated seeds or pellets, or other untreated vegetative materials that qualified for this exemption may continue to claim this exemption after [effective date of adopted amendment] without being restricted to the maximum heat input or throughput specified in this paragraph.

c. and d. No change.

e. Incinerators and pyrolysis cleaning furnaces with a rated refuse burning capacity of less than 25 pounds per hour constructed, installed, reconstructed or altered on or before [effective date of adopted amendment]. Pyrolysis cleaning furnace exemption is limited to those units that use only natural gas or propane. Salt bath units are not included in this exemption. Incinerators or pyrolysis cleaning furnaces constructed, installed, reconstructed, or modified after [effective date of adopted amendment] shall not qualify for this exemption. After [effective date of adopted amendment], only paint clean-off ovens with a maximum rated capacity of less than 25 pounds per hour that do not combust lead-containing materials shall qualify for this exemption.

f. to h. No change.

i. Construction, installation, reconstruction, or modification ~~or alteration to~~ of equipment on or before [effective date of adopted amendment] which will not result in a net emissions increase (as defined in paragraph 22.5(1) “f”) of more than 1.0 lb/hr of any regulated air pollutant (as defined in rule 567—22.100(455B)). Emission reduction achieved through the installation of control equipment, for which a construction permit has not been obtained, does not establish a limit to potential emissions.

Hazardous air pollutants (as defined in rule 567—22.100(455B)) are not included in this exemption except for those listed in Table 1. Further, the net emissions rate INCREASE must not equal or exceed the values listed in Table 1.

Table 1

Pollutant	Ton/year
Lead	0.6
Asbestos	0.007
Beryllium	0.0004
Vinyl Chloride	1
Fluorides	3

This exemption is ONLY applicable to vertical discharges with the exhaust stack height 10 or more feet above the highest building within 50 feet. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with the information submission to the department as described above.

The department reserves the right to require proof that the expected emissions from the source which is being exempted from the air quality construction permit requirement, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards specified in 567—Chapter 28. If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modeling.

Equipment constructed, installed, reconstructed, or modified after [effective date of adopted amendment] shall not qualify for this exemption.

j. to v. No change.

w. Small unit exemption.

(1) "Small unit" means any emission unit and associated control (if applicable) that emits less than the following:

1. 40 2 pounds per year of lead and lead compounds expressed as lead (40 pounds per year of lead or lead compounds for equipment constructed, installed, reconstructed or modified on or before [effective date of adopted amendment]);

2. 5 tons per year of sulfur dioxide;

3. 5 tons per year of nitrogen oxides;

4. 5 tons per year of volatile organic compounds;

5. 5 tons per year of carbon monoxide;

6. 5 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp));

7. 2.5 tons per year of ~~PM10~~ PM₁₀; or

8. ~~5 tons per year of hazardous air pollutants (as defined in rule 567—22.100(455B)).~~ 0.52 tons per year of PM_{2.5} (does not apply to units constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment]); or

9. 5 tons per year of hazardous air pollutants (as defined in rule 567—22.100(455B)).

For the purposes of this exemption, "emission unit" means any part or activity of a stationary source that emits or has the potential to emit any pollutant subject to regulation under the Act. This exemption applies to existing and new or modified "small units."

An emission unit that emits hazardous air pollutants (as defined in rule 567—22.100(455B)) is not eligible for this exemption if the emission unit is required to be reviewed for compliance with 567—subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR 61, NESHAP), or 567—subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR 63, NESHAP).

An emission unit that emits air pollutants that are not regulated air pollutants as defined in rule 567—22.100(455B) shall not be eligible to use this exemption.

(2) to (5) No change.

(6) For the purposes of this paragraph, "substantial small unit" means a small unit which emits more than the following amounts, as documented in the exemption justification document:

1. 30 2 pounds per year of lead and lead compounds expressed as lead (30 pounds per year of lead or lead compounds for equipment constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment]);

2. 3.75 tons per year of sulfur dioxide;

3. 3.75 tons per year of nitrogen oxides;

4. 3.75 tons per year of volatile organic compounds;

5. 3.75 tons per year of carbon monoxide;
6. 3.75 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp));
7. 1.875 tons per year of ~~PM10~~ PM₁₀; or
8. ~~3.75 tons per year of any hazardous air pollutant or 3.75 tons per year of any combination of hazardous air pollutants.~~ 0.4 tons per year of PM_{2.5} (does not apply to units constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment]); or
9. 3.75 tons per year of any hazardous air pollutant or 3.75 tons per year of any combination of hazardous air pollutants.

An emission unit is a “substantial small unit” only for those substances for which annual emissions exceed the above-indicated amounts.

(7) No change.

(8) “Cumulative notice threshold” means the total combined emissions from all substantial small units using the small unit exemption which emit at the facility the following amounts, as documented in the exemption justification document:

1. 0.6 tons per year of lead and lead compounds expressed as lead;
2. 40 tons per year of sulfur dioxide;
3. 40 tons per year of nitrogen oxides;
4. 40 tons per year of volatile organic compounds;
5. 100 tons per year of carbon monoxide;
6. 25 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp));
7. 15 tons per year of ~~PM10~~ PM₁₀; or
8. ~~10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants.~~ 10 tons per year of PM_{2.5} (does not apply to units constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment]); or
9. 10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants.

x. to ee. No change.

ff. Production welding.

(1) Consumable electrode.

1. Welding operations constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment] using a consumable electrode, provided that the consumable electrodes electrode used fall falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the acceptable specifications is below 200,000 pounds per year for GMAW and 28,000 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two calendar years.

For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:

Y = the greater of $1380x - 19,200$ or 200,000 for GMAW, or

Y = the greater of $187x - 2,600$ or 28,000 for SMAW or FCAW

Where x “x” is the minimum distance to the property line in feet, and “Y” is the annual electrode usage in pounds per year.

If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.

2. Welding operations constructed, installed, reconstructed, or modified after [effective date of adopted amendment] using a consumable electrode, provided that the consumable electrode used falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the

acceptable specifications is below 1,600 pounds per year for GMAW and 12,500 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two calendar years.

For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:

Y = the greater of $84x - 1,200$ or 1,600 for GMAW, or

Y = the greater of $11x - 160$ or 12,500 for SMAW or FCAW

Where “x” is the minimum distance to the property line in feet and “Y” is the annual electrode usage in pounds per year.

If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.

(2) No change.

gg. Electric hand soldering, wave soldering, and electric solder paste reflow ovens constructed, installed, reconstructed or modified on or before [effective date of adopted amendment]. Electric hand soldering, wave soldering, and electric solder paste reflow ovens constructed, installed, reconstructed, or modified after [effective date of adopted amendment] shall be limited to 37,000 pounds or less per year of lead-containing solder. Records shall be maintained on site by the owner or operator for at least two calendar years to demonstrate that use of lead-containing solder is less than the exemption thresholds.

hh. to jj. No change.

kk. Equipment related to research and development activities at a stationary source, provided that:

(1) Actual emissions from all research and development activities at the stationary source based on a 12-month rolling total are less than the following levels:

40 ~~2~~ pounds per year of lead and lead compounds expressed as lead (40 pounds per year for all research and development activities commenced on or before [effective date of adopted amendment]);

5 tons per year of sulfur dioxide;

5 tons per year of nitrogen ~~dioxides~~ oxides;

5 tons per year of volatile organic compounds;

5 tons per year of carbon monoxide;

5 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp) as amended through November 29, 2004);

2.5 tons per year of ~~PM10~~ PM_{10} ; and

0.52 tons per year of $PM_{2.5}$ (does not apply to research and development activities commenced on or before [effective date of adopted amendment]); and

5 tons per year of hazardous pollutants (as defined in rule 567—22.100(455B)); and

(2) and (3) No change.

ll. to oo. No change.

ITEM 2. Amend rule 567—22.8(455B) as follows:

567—22.8(455B) Permit by rule.

22.8(1) Permit by rule for spray booths. Spray booths which comply with the requirements contained in this rule will be deemed to be in compliance with the requirements to obtain an air construction permit and an air operating permit. Spray booths which comply with this rule will be considered to have federally enforceable limits so that their potential emissions are less than the major source limits for regulated air pollutants and hazardous air pollutants as defined in 567—22.100(455B).

a. Definition. “Sprayed material” is material sprayed from spray equipment when used in the surface coating process in the spray booth, including but not limited to paint, solvents, and mixtures of paint and solvents.

b. Facilities which facilitywide spray one gallon per day or less of sprayed material are exempt from all other requirements in 567—Chapter 22, except that they must submit the certification in 22.8(1) “e” to the department and keep records of daily sprayed material use. Any spray booth or associated equipment constructed, installed, reconstructed, or modified after [effective date of adopted amendment] shall use sprayed material with a maximum lead content of 0.35 pounds or less per gallon

if the booth or associated equipment is subject to the following NESHAP: 40 CFR Part 63, Subpart HHHHHH or Subpart XXXXXX. Any spray booth or associated equipment constructed, installed, reconstructed, or modified after [effective date of adopted amendment] that is not subject to the NESHAP or is otherwise exempt from the NESHAP shall use sprayed material with a maximum lead content of 0.02 pounds or less per gallon. The owner or operator must keep the records of daily sprayed material use for 18 months from the date to which the records apply and shall keep safety data sheets (SDS) or equivalent records for at least two calendar years to demonstrate that the sprayed materials contain lead at less than the exemption thresholds. The owner or operator must also certify that the facility is in compliance with or otherwise exempt from the federal regulations specified in 22.8(1)“e.”

c. Facilities which facilitywide spray more than one gallon per day but never more than three gallons per day are exempt from all other requirements in 567—Chapter 22, except that they must submit the certification in 22.8(1)“e” to the department, keep records of daily sprayed material use, and vent emissions from a spray booth(s) through a stack(s) which is at least 22 feet tall, measured from ground level. Any spray booth or associated equipment constructed, installed, reconstructed, or modified after [effective date of adopted amendment] shall use sprayed material with a maximum lead content of 0.35 pounds or less per gallon if the booth or associated equipment is subject to the following NESHAP: 40 CFR Part 63, Subpart HHHHHH or Subpart XXXXXX. Any spray booth or associated equipment constructed, installed, reconstructed, or modified after [effective date of adopted amendment] that is not subject to the NESHAP or is otherwise exempt from the NESHAP shall use sprayed material with a maximum lead content of 0.02 pounds or less per gallon. The owner or operator must keep the records of daily sprayed material use for 18 months from the date to which the records apply and shall keep safety data sheets (SDS) or equivalent records for at least two calendar years to demonstrate that the sprayed materials contain lead at less than the exemption thresholds. The owner or operator must also certify that the facility is in compliance with or otherwise exempt from the federal regulations specified in 22.8(1)“e.”

d. and e. No change.

22.8(2) Reserved.

ITEM 3. Amend subrule 22.103(2) as follows:

22.103(2) *Insignificant activities which must be included in Title V operating permit applications.*

a. The following are insignificant activities based on potential emissions:

An emission unit which has the potential to emit less than:

5 tons per year of any regulated air pollutant, except:

2.5 tons per year of ~~PM₁₀~~ PM₁₀,

0.52 tons per year of PM_{2.5} (does not apply to units constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment]),

40 2 lbs per year of lead or lead compounds (40 lbs per year for units constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment]),

2500 lbs per year of any combination of hazardous air pollutants except high-risk pollutants,

1000 lbs per year of any individual hazardous air pollutant except high-risk pollutants,

250 lbs per year of any combination of high-risk pollutants, or

100 lbs per year of any individual high-risk pollutant.

The definition of “high-risk pollutant” is found in rule 567—22.100(455B).

b. The following are insignificant activities:

(1) Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas with a capacity of less than 10 million Btu per hour input per combustion unit.

(2) Fuel-burning equipment for indirect heating constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment] with a capacity of less than 1 million Btu per hour input per combustion unit when burning coal, untreated wood, or fuel oil.

Fuel-burning equipment for indirect heating constructed, installed, reconstructed, or modified after [effective date of adopted amendment] with a capacity of less than 1 million Btu per hour input per combustion unit when burning untreated wood, untreated seeds or pellets, other untreated vegetative

materials, or fuel oil provided that the unit and the fuel meet the condition specified in this subparagraph (22.103(2)“b”(2)). Used oils meeting the specification from 40 CFR 279.11 as amended through May 3, 1993, are acceptable fuels. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels.

(3) Incinerators with a rated refuse burning capacity of less than 25 pounds per hour constructed, installed, reconstructed, or modified on or before [effective date of adopted amendment]. Incinerators constructed, installed, reconstructed, or modified after [effective date of adopted amendment] shall not qualify as an insignificant activity. After [effective date of adopted amendment], only paint clean-off ovens with a maximum rated capacity of less than 25 pounds per hour that do not combust lead-containing materials shall qualify as an insignificant activity.

(4) to (6) No change.

ITEM 4. Amend rule 567—28.1(455B) as follows:

567—28.1(455B) Statewide standards. The state of Iowa ambient air quality standards shall be the National Primary and Secondary Ambient Air Quality Standards as published in 40 Code of Federal Regulations Part 50 (1972) and as amended at 38 Federal Register 22384 (September 14, 1973), 43 Federal Register 46258 (October 5, 1978), 44 Federal Register 8202, 8220 (February 9, 1979), 52 Federal Register 24634-24669 (July 1, 1987), 62 Federal Register 38651-38760, 38855-38896 (July 18, 1997), 71 Federal Register 61144-61233 (October 17, 2006), 73 Federal Register 16436-16514 (March 27, 2008), 73 Federal Register 66964-67062 (November 12, 2008), ~~and 75 Federal Register 6474-6537 (February 9, 2010), except that the annual PM₁₀ standard specified in 40 CFR Section 50.6(b) shall continue to be applied for purposes of implementation of new source permitting provisions in 567 IAC Chapters 22 and 33 and 75 Federal Register 35520-35603 (June 22, 2010).~~ The department shall implement these rules in a time frame and schedule consistent with implementation schedules in federal laws, and regulations and guidance documents.

This rule is intended to implement Iowa Code section 455B.133.